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**TRANSMITTAL  
FORM**

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Total Number Of Pages In This Submission

5

Application Number

09/852,416

Filing Date

May 9, 2001

First Named Inventor

Chaitan KHOSLA et al.

Group Art Unit

1627

Examiner Name

To Be Assigned

Attorney Docket No.

300622000501

**ENCLOSURES (check all that apply)**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form                                   | <input type="checkbox"/> Assignment Papers<br>(for an Application)                      | <input type="checkbox"/> After Allowance Communication to Group                               |
| <input type="checkbox"/> Fee Attached   | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences           |
| <input type="checkbox"/> Amendment / Reply                                      | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declarations                                | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                              | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):               |
| <input type="checkbox"/> Express Abandonment Request                            | <input type="checkbox"/> Terminal Disclaimer  | 1. Request for Corrected Filing Receipt (2 pages);  |
| <input checked="" type="checkbox"/> Information Disclosure Statement            | <input type="checkbox"/> Request for Refund   | 2. Red-lined copy of Official Filing Receipt (2 pages)  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                 | <input type="checkbox"/> CD, Number of CD(s) _____                                      | 3. Return Postcard  |
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| <input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 |   |   |

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm

or

Individual Name

Morrison &amp; Foerster LLP

3811 Valley Centre Drive, Suite 500, San Diego, CA 92130

Brenda J. Wallach, Ph.D., Reg. No. 45,193

Signature

Date

April 17, 2002

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on April 17, 2002.

Vicki L. Andrews

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PATENT  
Docket No. 300622000501

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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*Vicki L. Andrews*

Vicki L. Andrews

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Chaitan KHOSLA et al.

Serial No.: 09/852,416

Filing Date: May 9, 2001

For: MACROLIDE ANALOGS

Examiner: To Be Assigned

Group Art Unit: 1627

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. A copy of document No. 6 is submitted herewith. Copies of all other documents were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Numbers 09/073,538, filed May 6, 1998, and 09/311,756, filed May 14, 1999, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This application is a Continuation of United States Serial Number 09/073,538, filed May 6, 1998, which is a Continuation-In-Part of United States Serial Number 08/846,247, filed April 30, 1997, which is a Continuation-In-Part of United States Serial Number 08/486,645, filed June 7, 1995, now United States Patent Number 5,712,146, which is a Continuation-In-Part of United States Serial Number 08/238,811, filed May 6, 1994, now United States Patent Number 5,672,491, which is a Continuation-In-Part of United States Serial Number 08/164,301, filed December 8, 1993, now abandoned, which is a Continuation-In-Part of United States Serial Number 08/123,732, filed September 20, 1993, now abandoned.

This application also claims the benefit of the filing date of provisional application serial number 60/076,919, filed March 5, 1998.

This application is also a Continuation of United States Serial Number 09/311,756, filed May 14, 1999, which is a Continuation of United States Serial Number 09/164,306, filed October 1, 1998, now abandoned, which claims benefit of priority to PCT Application No. PCT/US98/14911, filed July 17, 1998, now published PCT number WO 99/03986, published January 28, 1999, which claims the benefit of priority to United States Serial Number 08/896,323, filed July 7, 1997, now United States Patent Number 6,066,721, which is a Continuation-In-Part of United States Serial Number 08/675,817, filed July 5, 1996, now United States Patent Number 6,080,555, which claims the benefit of the filing date of provisional application serial number 60/003,338, filed July 6, 1995. United States Serial Number 09/164,306, filed October 1, 1998, is also a Continuation-In-Part of United States Serial Number 08/896,323, filed July 17, 1997, described above.

This application is related to United States Serial Number 10/096,790, filed March 12, 2002, United States Serial Number 10/096,789, filed March 12, 2002, and United States Serial Number 09/859,854, filed May 16, 2001, all three of which claim priority to United States Serial Number 09/073,538, described above.

This application is also related to United States Serial Number 09/740,313, filed December 18, 2000, which is a Divisional of 08/846,247, described above.

This application is also related to United States Serial Number 09/925,236, filed August 8, 2001, which is Continuation of United States Serial Number 09/263,184, filed March 5, 1999, which is a Divisional of United States Serial Number 08/828,898, filed March 31, 1997, now United States Patent Number 6,022,731, which is a Continuation of United States Serial Number 08/238,811, described above.

This application is also related to United States Serial Number 10/096,724, filed March 12, 2002, which is a Continuation of United States Serial Number 09/755,653, filed January 5, 2001, which is a Divisional of United States Serial Number 09/264,162, filed March 5, 1999, now United States Patent Number 6,215,007, which is a Divisional of United States Serial Number 08/949,943, filed October 14, 1997, now United States Patent Number 5,962,290, which is a Divisional of United States Serial Number 08/486,645, described above.

This application is also related to United States Serial Number 09/263,366, filed March 5, 1999, now United States Patent Number 6,077,696, which is a Divisional of United States Serial Number 08/949,943, described above.

This application is also related to United States Serial Number 09/263,396, filed March 5, 1999, now United States Patent Number 6,214,573, which is a Divisional of United States Serial Number 08/828,898, described above.

This application is also related to United States Serial Number 08/828,887, filed March 31, 1997, now United States Patent Number 5,830,750, which is a Divisional of United States Serial Number 08/238,811, described above.

This application is also related to United States Serial Number 08/829,244, filed March 31, 1997, now United States Patent Number 5,843,718, which is a Divisional of United States Serial Number 08/238,811, described above.

This application is also related to PCT publication number WO 96/40968, published December 19, 1996, PCT publication number WO 95/08548, published March 30, 1995, and PCT publication number WO 98/49315, published November 5, 1998.

This application is also related to United States Serial Number 09/870,012, filed May 29, 2001, which is a Divisional of United States Serial Number 09/434,289, filed November 5, 1999, now United States Patent Number 6,261,816, which is a Continuation of United States Serial Number 08/896,323, described above.

This application is also related to United States Serial Number 09/603,083, filed June 26, 2000, which is a Divisional of United States Serial Number 08/675,817, described above.

This application is also related to United States Serial Number 09/374,711, filed August 13, 1999, now United States Patent Number 6,274,560, which is a Divisional of United States Serial Number 08/675,817, described above.

This application is also related to United States Serial Number 09/602,725, filed June 26, 2000, which is a Continuation of United States Serial Number 08/675,817, described above.

This application is also related to PCT publication number WO 97/02358, published January 23, 1997.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \* is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee. Accordingly, a Petition requesting consideration of the Information Disclosure Statement, an authorization to charge our deposit account, and a Certification under 37 C.F.R. § 1.97(e) are provided herein.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 300622000501. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 17, 2002

Respectfully submitted,

By: Brenda J. Wallach  
Brenda J. Wallach  
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Form PTO-1449

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 300622000501

Application Number 09/852,416

Applicant

Chaitan KHOSLA et al.

Filing Date May 9, 2001

Group Art Unit 1627

Mailing Date April 17, 2002

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	09/1997	5,672,491	Khosla et al.	435	148	
	2.	01/1998	5,712,146	Khosla et al.	435	252.35	
	3.	10/1998	5,824,513	Katz et al.	435	76	
	4.	03/1999	5,876,991	DeHoff et al.	435	183	
	5.	08/1999	5,945,320	Burgett et al.	435	183	
	6.	10/1999	5,962,290	Khosla et al.	435	183	
	7.	12/1999	6,004,787	Katz et al.	435	183	
	8.	05/2000	6,060,234	Katz et al.	435	4	
	9.	06/2000	6,063,561	Katz et al.	435	4	
	10.	03/2001	6,200,813	Katz et al.	435	477	
	11.	08/2001	6,271,255	Leadlay et al.	514	450	

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	12.	01/1998	WO 98/01546	WIPO			
	13.	01/1998	WO 98/01571	WIPO			

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	14.	Kuhstoss et al., Gene (1996) 183:231-236
	15.	Oliynyk et al., Chem. and Biol. (1996) 3:833-839

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.